

## Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT E-00 INR-07 NSAE-00 FAA-00 L-03 /026 W

----- 104537

R 061944Z FEB 76

FM AMCONSUL RIO DE JANEIRO

TO SECSTATE WASHDC 3323

INFO AMEMBASSY BRASILIA

LIMITED OFFICIAL USE RIO DE JANEIRO 0567

EO 11652: NA

TAGS: EAIR BR

SUBJ: CIVAIR: PROPOSED PANAM FLIGHT TO CAMPINAS

SUMMARY. DAC HAS DISALLOWED RIO DE JANEIRO/CAMPINAS PORTION OF PANAM FLIGHT 515/525 (LOS ANGELES/SAO PAULO). DAC MAINTAINS THAT Y OPERATION OUT OF GALEAO AIRPORT IN RIO DE JANEIRO BY THIS FLIGHT IS NOT IN ACCORDANCE WITH FINAL ACT OF 1975 US/BRAZIL CIVIL AIR CONSULTATIONS. IN VIEW OF ARRANGEMENTS ALREADY MADE BY PANAM, DAC WILL ALLOW FLIGHT 515/525 BETWEEN RIO AND CAMPINAS ON EXCEPTIONAL BASIS BUT HAS MADE IT CLEAR THAT PANAM MUST DROP THIS PORTION OF ITS LOS ANGELES/SAO PAULO RUN. EMBASSY CONCURS THIS MESSAGE. END SUMMARY.

1. ON AFTERNOON OF FEB 5 CONGEN OFFICERS MET SEPARATELY WITH BRIG WALDIER VASCONCELOS, CHIEF, PLANNING DEPARTMENT, DAC AND BRIG EDIVIO DOS CALDOS SANCTOS, PRESIDENT, CERNAI, RE PANAM FLIGHT NO. 515/525 FROM LOS ANGELES TO SAO PAULO. MEETINGS WERE HELD AS RESULT OF LOCAL PANAM REP COMPLAINT THAT DAC HAD REVOKED PERMISSION GIVEN EARLIER FOR FLIGHT TO CONTINUE TO VIRACOPOS AIRPORT IN CAMPINAS IN ADDITION TO CONGONHAS AIRPORT IN SAO PAULO.

2. ACCORDING PANAM REP, PRESENT SCHEDULES CALL FOR A Y OPERATION BY WHICH FLIGHT NO. 515/525: 1) LANDS AT GALEAO AIRPORT IN RIO; 2) DISCHARGES PASSENGERS TO BOARD LEASED VASP AIRCRAFT, CARRYING ONE OF PANAM FLIGHT NRS (515), TO CONGONHAS AIRPORT IN  
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SAO PAULO AND; 3) CONTINUES ON TO VIRACOPOS AIRPORT IN CAMPINAS

WITH OTHER NUMBER (525). PANAM REP ALLEGED THAT AIRCRAFT MUST BEGIN FLIGHT TO NEW YORK IN CAMPINAS AND THAT THERE IS CARGO (AND A FEW PASSENGERS) DESTINED FOR CAMPINAS. HE ALLEGED FURTHER THAT DAC WAS RENEGING ON EARLIER APPROVAL OF Y OPERATION AS OUTLINED ABOVE. ACTING UNDER ASSUMPTION THAT APPROVAL HAD BEEN GRANTED, PANAM HAD SCHEDULED FLT 515/525 BEGINNING SUNDAY FEB 8, GOING TO CAMPINAS. THE DAC INFORMED PANAM ON WEDNESDAY FEB 4 THAT THE CAMPINAS PORTION OF THE Y OPERATION WAS DISALLOWED.

3. DURING CONVERSATION WITH CONGEN OFFICERS, BRIG VASCONCELOS STATED THAT THE FINAL ACT OF THE 1975 CONSULTATION DID NOT RPT NOT PERMIT PANAM TO SCHEDULE THE SAME FLIGHT FROM GALEAO TO BOTH CAMPINAS AND SAO PAULO. ITEM A.5 OF THE FINAL ACT CALLS FOR THE DISCHARGE OF PASSENGERS AT GALEAO FOR ONWARD TRANSIT TO CONGOHAS VIA LEASED AIRCRAFT, CARRYING THE SAME PANAM FLIGHT NUMBER. ITEM A.5 PERMITS THE PANAM PLANE LANDING AT GALEAO TO CONTINUE ON TO POINTS BEYOND RIO DE JANEIRO IN THIRD COUNTRIES. BRAZILIAN AVIATION AUTHORITIES INTERPRET THIS TO MEAN POINTS OUTSIDE OF BRAZIL; E.G., DIRECTLY FROM RIO DE JANEIRO TO MONTEVIDEO OR BUENOS AIRES, AND NOT TO POINTS WITHIN BRAZIL SUCH AS CAMPINAS.

4. BRIG VASCONCELOS STATED THAT PANAM HAD RECEIVED DAC AGREEMENT TO GO TO CAMPINAS ONLY UNTIL THE CONGONHAS LEASING OPERATION WENT INTO EFFECT ON FEB ONE. CONGEN OFFICERS EXPLAINED TO HIM THAT PANAM HAD APPARENTLY BELIEVED THEY WERE AUTHORIZED TO CONTINUE ON TO CAMPINAS EVEN AFTER FEB ONE AND HAD SOLD TICKETS AND MADE CARGO ARRANGEMENTS ON THAT BASIS. THE FIRST FLIGHT TO BE EFFECTED LEFT LOS ANGELES ON SUNDAY, MAKING IT VERY AWKWARD FOR PANAM TO CHANGE SCHEDULES AT THIS LATE DATE. BRIG VASCONCELOS REPLIED THAT HE WOULD AUTHORIZE, ON AN EXCEPTIONAL BASIS, FLIGHT NO. 515/525 TO CONTINUE ON TO CAMPINAS. HOWEVER, PANAM MUST APPLY SEPARATELY TO THE DAC FOR EACH FLIGHT TO CAMPINAS. HE SUGGESTED THAT, AS THE FINAL ACT OF 1975 CALLED FOR INTER-GOVERNMENTAL CONSULTATIONS REGARDING THE GALEAO-CONGONHAS OPERATION, WE GET THIS MATTER STRAIGHTENED OUT AS QUICKLY AS POSSIBLE WITH CERNAL.

5. CONGEN OFFICERS THEN MET WITH BRIG EDIVIO TO OBTAIN CERNAL'S VIEWS ON MATTER. BRIG EDIVIO STATED FLATLY THAT Y OPERATION WAS ILLEGAL UNDER OUR BILATERAL AND GAVE INTERPRETATION OUTLINED UNDER PARA 3 ABOVE. MOREOVER, HE POINTED OUT THAT PANAM SCHEDULES LIMITED OFFICIAL USE

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SUBMITTED AT TIME OF USG LETTER FOR RIO DE JANEIRO/JOHANNESBURG ROUTE DID NOT SHOW CAMPINAS AS POINT OF TERMINATION FOR FLIGHT 515/525. BRIG EDIVIO SAID FURTHER THAT THE PANAM Y OPERATION WAS NEVER CONTEMPLATED UNDER THE 1975 CONSULTATIONS. CONSEQUENTLY, HE DID NOT BELIEVE THAT THIS SUBJECT COULD BE DEALT WITH IN FORMAL OR INFORMAL CONSULTATIONS AS CALLED FOR IN THE 1975 FINAL ACT BUT WOULD REQUIRE NEW CONSULTATIONS. HE MADE IT CLEAR THAT HE DID NOT CONSIDER THIS ISSUE TO WARRANT NEW CONSULTATIONS.

6. PANAM REP, IN SUBSEQUENT CONVERSATION WITH CONGEN OFFICER, CONCEDED THAT Y OPERATION AS CONTEMPLATED BY PANAM MAY NOT BE IN CONFORMANCE WITH FINAL ACT OF 1975. HE STATED, HOWEVER, THAT PANAM HAD PROPOSED Y OPERATION IN GOOD FAITH TO DAC AND HAD BELIEVED PANAM HAD WON DAC ACCEPTANCE. CONGEN OFFICER RELAYED TO HIM SUBSTANCE OF CONVERSATIONS AND SUGGESTED THAT PANAM GET IN TOUCH WITH BRIG VASCONCELOS TO INFORM HIM HOW MANY FLIGHTS WOULD REQUIRE SPECIAL PERMISSION TO CONTINUE TO CAMPINAS TO AVOID FURTHER DIFFICULTY WITH DAC. PANAM REP THEN INDICATED FLIGHT NO 515/525 TO CAMPINAS WOULD BE CANCELLED ASAP (ABOUT FEB 15, 1976) AND OTHER ARRANGEMENTS RE CAMPINAS WOULD BE MADE.

7. COMMENT: CONGEN'S INTERCESSION WITH DAC MAY HAVE SPARED PANAM EMBARRASSMENT AS THEY HAVE SOLD TICKETS TO CAMPINAS FROM LOS ANGELES ON FLT NO. 515/525. WE BELIEVE THAT AN OFFICIAL USG REQUEST ON PANAM'S BEHALF TO CONTINUE THE Y OPERATION WOULD RECEIVE A NEGATIVE RESPONSE. WE WOULD APPRECIATE DEPT'S ASSESSMENT OF BRAZILIAN CIVIL AUTHORITIES INTERPRETATION OF ITEM A.5 OF 1975 FINAL ACT.  
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